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WQC number: 917-5022-WQC-1

Public Notice

Closing Date:
5/17/2013

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

401
WQC-1
401 application

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Environmental and Public Protection Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Carbonado Coal Mining, LLC
Mailing Address: 1205 Nebo Road
Madisonville, KY 42431
Contact Person: John Baugues, Jr.
Telephone No: (270) 326-2002
E Mail Address:

2. **Consultant Name & Address:** Associated Engineers, Inc., c/o David Lamb, P.E.
2740 North Main Street, Madisonville, KY 42431

Telephone No. (270) 821-7732
E Mail Address: DLamb@associatedengineers.com

3. **Provide a brief description of the proposed activity and stream impact.**
Develop a 65.6 acre surface mining operation in Webster County, approximately 5.2 miles northeast of Dixon, off KY132. The project will impact 2730' of intermittent and 2241' of ephemeral stream. Stream impacts occur in watersheds less than 480 acres. There will also be impacts to a total of 0.292 acres of wetlands and 0.085 acres of other waters (ponds).

4. **Project Location Information:**

County Webster; **USGS Quadrangle Name** Sebree

Nearest Community & Road Intersection: Sebree, KY132/Starl Shelton Road

Latitude N37.555693 **Longitude** W87.621624 (Approximate center of the project area)

5. **List the names of all streams affected by the proposed project:** Unnamed tributaries of Jackson Ditch.

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

Drainage areas for stream impacts are noted in the attached "Stream Habitat Assessment and Wetland Delineation Report". The largest watershed affected by an impact (culvert crossing) is approximately 73 acres in size.

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

A list of each stream and its proposed impact is noted in the "Summary of Impacts Table" in the IP Application. In summary, there are impacts to 2730' of intermittent, and 2241' of ephemeral stream.

8. Provide the acreage of wetlands that would be impacted: 0.292 acres total; although 0.040 acres of this total appears to be non-jurisdictional.

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

From the KY132/US41A intersection in Dixon, travel northeast for 5.2 miles on KY132. The project area lies on the left side of the roadway (immediately north of KY132).

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes ☒ No _____. If yes, indicate type of application:

NW 12 _____ NW 14 _____ NW 21 _____ NW 27 _____ NW 49 _____
NW 50 _____ Individual ☒ Other _____

11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. 917-5022, KPDES No. Pending

12. The following attachments must be provided:

- a. IP Application, including Proposed Stream and Wetland Mitigation, "Macroinvertebrate & Fish Bioassessment Report", and "Threatened and Endangered Species Assessment"
- b. A watershed map showing all ponds and wetlands to scale, with all perennial, intermittent, and ephemeral stream reaches clearly identified.
- c. A 7.5 minute topographic map delineating the proposed project area.

List all other plans and profiles included with this application:

"Stream Habitat Assessment and Wetland Delineation Report".

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:



, Date: April 2, 2013

If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

**WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601**

